

Examiner-Initiated Interview Summary	Application No.	Applicant(s)	
	10/697,547	OLSON ET AL.	
	Examiner	Art Unit	
	Kamal A. Saeed	1626	

All Participants:

(1) Kamal A. Saeed.

(2) Mr. Richard C. Billups.

Status of Application: _____

(3) _____.

(4) _____.

Date of Interview: 30 June 2006

Time: 10:00

Type of Interview:

- ☒ Telephonic
☐ Video Conference
☐ Personal (Copy given to: ☐ Applicant ☐ Applicant's representative)

Exhibit Shown or Demonstrated: ☐ Yes ☐ No
 If Yes, provide a brief description:

Part I.

Rejection(s) discussed:

Claims discussed:

47, 59 and 61-67

Prior art documents discussed:

Part II.

SUBSTANCE OF INTERVIEW DESCRIBING THE GENERAL NATURE OF WHAT WAS DISCUSSED:

See Continuation Sheet

Part III.

- ☒ It is not necessary for applicant to provide a separate record of the substance of the interview, since the interview directly resulted in the allowance of the application. The examiner will provide a written summary of the substance of the interview in the Notice of Allowability.
☐ It is not necessary for applicant to provide a separate record of the substance of the interview, since the interview did not result in resolution of all issues. A brief summary by the examiner appears in Part II above.

Kamal Saeed

(Examiner/SPE Signature)

(Applicant/Applicant's Representative Signature – if appropriate)

Continuation of Substance of Interview including description of the general nature of what was discussed:

Amendment to the Specification:

DELETE the paragraph on page 1, encompassed by lines 6-8 and INSERT --- This application is a divisional of U.S. application Serial No. 10/457,682, filed June 9, 2003, now U.S. Patent No. 6,730,690, which in turn is related to U.S. provisional application Serial No. 60/387,385, filed June 10, 2002, the contents of both of which are hereby incorporated by reference.-----

Amendment to the claims

In claim 47, the second page (or page 3 as indicated by page No.), line 14, at the end of the line, DELETE, " ;" and INSERT ---.-----

In claim 47, the second page (or page 3 as indicated by page No.), DELETE the last six lines counting from the bottom of the page.

DELETE claim 59.

Zeman, Mary

To: Low, Christopher; Frederick, Elizabeth (Chugach)
Subject: 2nd pair 10/697547

In claim 63, the metes and bounds of "an anti-diabetic effective amount" are unclear. The specification does not define this term, nor does it appear to be a standard term in the art. The specification at page 27 lists some particular dosing standards, but none are indicated to be particularly "anti-diabetic" nor is the dosage striated by disease type. It is unclear what symptom the drug is intended to treat in this claim, and there is no evidence it is a cure for diabetes. The method is not drawn to a treatment of diabetes, but for a treatemtn of NIDDM (non-insulin dependent diabetes mellitus) which is not necessarily the same thing. They are different diseases having differing etiologies.

The other method claims (62, 64, 65, 66, 67) use the language "in an amount that is effective to treat Disease Z" which I think is more clear, although disease specific amounts are not set forth in the specification.

A quick EAST search reveals about 20 patents using the "anti-diabetic effective amount", with about half using it to treat diabetes, and about half to treat NIDDM. None of specifications of these patents appear to specifically define this term, or use it in a limiting fashion for treating diabetes as opposed to treating something else, like obesity. So, maybe it is not an issue, but it rubs me the wrong way.

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